

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RYAN CHARLES DIEMOND,

Plaintiff,

v.

NOAH NAGY,

Defendant.

Case No. 23-12184

Honorable Robert J. White

Magistrate Judge Elizabeth A. Stafford

**ORDER GRANTING DEFENDANT'S MOTION
TO TAKE PRISONER DEPOSITION
(ECF NO. 36)**

Plaintiff Ryan Charles Diemond, a prisoner of the Michigan Department of Corrections (MDOC), filed a pro se civil rights action under 42 U.S.C. § 1983, alleging that Defendant Noah Nagy failed to accommodate his medical conditions by denying him access to the prison's legal writer program. ECF No. 1. The Honorable Robert J. White referred the case to the undersigned for all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 23. Nagy moves for leave to depose Diemond under Federal Rule of Civil Procedure 30(a)(2)(B). ECF No. 36.

Under Rule 30(a)(2), a party must obtain leave of the court to depose a person who is confined in prison, and the court must grant such leave

when it is consistent with the scope and limits of discovery set forth in Rule 26(b)(2). The requirements of Rule 30(a)(2) are satisfied. Diamond is currently incarcerated at the Parnall Correctional Facility. Nagy's request to depose Diamond aligns with Rule 26(b). Thus, Nagy's motion for leave to depose Diamond is **GRANTED**, and Nagy may depose him by video conference, in person, or by telephone.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: November 12, 2024November 12, 2024

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System to

their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 12, 2024November 12, 2024.

s/Davon Allen
DAVON ALLEN
Case Manager